
HOUSE BILL No. 1876

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-2.2; IC 36-8.

Synopsis: Public safety officers' survivors benefits. Provides that the unit of local government that employed a member of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, or the 1977 police officers' and firefighters' pension fund who dies in the line of duty shall provide and pay for health insurance coverage for the member's surviving spouse and dependent children. Provides that if health insurance coverage is offered by the unit to active fund members, the health insurance provided to a surviving spouse and child must be equal in coverage to that offered to active members.

Effective: July 1, 2001.

Lawson L, Alderman, Mahern

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1876

A BILL FOR AN ACT to amend the Indiana Code concerning public employees.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-2.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.2. (a) As used in this
3 section, "dependent" means a natural child, stepchild, or adopted child
4 of a public safety employee who:

5 (1) is less than eighteen (18) years of age;

6 (2) is eighteen (18) years of age or older and physically or
7 mentally disabled (using disability guidelines established by the
8 Social Security Administration); or

9 (3) is at least eighteen (18) and less than twenty-three (23) years
10 of age and is enrolled in and regularly attending a secondary
11 school or is a full-time student at an accredited college or
12 university.

13 (b) As used in this section, "public safety employee" means a
14 full-time firefighter, police officer, county police officer, or sheriff.

15 (c) This section applies only to local unit public employers and their
16 public safety employees.

17 (d) A local unit public employer may provide programs of group

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insurance for its active and retired public safety employees through either or both of the following methods:

- (1) By purchasing policies of group insurance.
- (2) By establishing self-insurance programs.

However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

- (1) Retired public safety employees.
- (2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- (3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

- (1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and
- (3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) **Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-13.9(d), and IC 36-8-8-14.1(h) for a surviving spouse or dependent of a public safety employee who dies in the line of duty,** a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

- (1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

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(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents' premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) The date of the surviving spouse's remarriage.

(4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health

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insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 36-8-6-9.7, AS ADDED BY P.L.118-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.7. (a) This section applies to a member who died in the line of duty (as defined in section 10.1 of this chapter) before September 1, 1982.

(b) A payment shall be made to the surviving spouse of a deceased member in an amount fixed by ordinance, but at least an amount equal to thirty percent (30%) of the monthly pay of a first class patrolman per month during the surviving spouse's life if the spouse did not remarry before September 1, 1983. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(c) Except as otherwise provided in this subsection, a payment shall also be made to each child of a deceased member less than eighteen (18) years of age, in an amount fixed by ordinance, but at least an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month to each child:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longer. However, the total of benefits under this subsection added to the benefits under subsection (b) may not exceed the maximum benefits computed under section 9 of this chapter for pension payments to a member who retires from active service after twenty (20) years or more of active service. This maximum benefit is equal to fifty percent (50%) of the salary of a first class patrolman in the police department plus, for a member who retired before January 1, 1986, two percent (2%) of the first class patrolman's salary for each year of service of the retired member over twenty (20) years or, for a

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member who retires after December 31, 1985, plus one percent (1%) of the first class patrolman's salary for each six (6) months of service of the retired member over twenty (20) years. However, the maximum benefit may not exceed in any year an amount greater than seventy-four percent (74%) of the salary of a first class patrolman.

(d) If a deceased member leaves no surviving spouse and no child who qualifies for benefits under subsection (c) but does leave a dependent parent or parents, an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month from the time of the member's death shall be paid to the dependent parent or parents during their dependency. When both parents survive, the total amount is still twenty percent (20%), to be paid to them jointly. In all cases of payment to a dependent relative of a deceased member, the board is the final judge of the question of necessity and dependency and of the amount to be paid. The board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the fund or other circumstances make this action necessary.

(e) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(f) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;**
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or**
- (3) during the entire period of the child's physical or mental disability;**

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members.

SECTION 3. IC 36-8-6-10.1, AS AMENDED BY P.L.118-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.1. (a) This section applies to a member who dies in the line of duty after August 31, 1982.

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(b) The surviving spouse is entitled to a monthly benefit, during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but no less than fifty percent (50%) of the monthly wage received by a first class patrolman. If the surviving spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(c) A payment shall also be made to each child of a deceased member less than eighteen (18) years of age, in an amount fixed by ordinance, but at least an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month to each child:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longer.

(d) The surviving children of the deceased member who are eligible to receive a benefit under subsection (c) may receive an additional benefit in an amount fixed by ordinance, but the total additional benefit under this subsection to all the member's children may not exceed a total of thirty percent (30%) of the monthly wage received by a first class patrolman. However, this limitation does not apply to the children of a member who are physically or mentally disabled.

(e) If a deceased member leaves no surviving spouse and no child who qualifies for benefits under subsection (c) but does leave a dependent parent or parents, an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month from the time of the member's death shall be paid to the dependent parent or parents during their dependency. When both parents survive, the total amount is still twenty percent (20%), to be paid to them jointly. In all cases of payment to a dependent relative of a deceased member, the board is the final judge of the question of necessity and dependency and of the amount to be paid. The board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the fund or other circumstances make this action necessary.

(f) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a

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member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(g) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness resulting from any action that the member in the member's capacity as a police officer:

(1) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or

(2) performs in the course of controlling or reducing crime or enforcing the criminal law.

(h) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members.

SECTION 4. IC 36-8-7-12.3, AS ADDED BY P.L.118-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12.3. (a) This section applies to a member who died in the line of duty (as defined in section 12.4 of this chapter) before September 1, 1982.

(b) If a member of the fire department or a retired member of the 1937 fund dies and leaves:

(1) a surviving spouse;

(2) a child or children less than eighteen (18) years of age;

(3) a child or children at least eighteen (18) years of age who are mentally or physically incapacitated; or

(4) a child or children less than twenty-three (23) years of age who are:

(A) enrolled in and regularly attending a secondary school; or

(B) full-time students at an accredited college or university;

the local board shall authorize the payment to the surviving spouse and to the child or children of the amount from the fund as prescribed by

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1 this section. If the surviving spouse of a deceased member remarried
 2 before September 1, 1983, and pension benefits ceased on the date of
 3 remarriage, the benefits for the surviving spouse shall be reinstated on
 4 July 1, 1997, and continue during the life of the surviving spouse. If the
 5 pension of the surviving spouse of a deceased member has ceased by
 6 virtue of the spouse's remarriage, and if the person to whom the spouse
 7 has remarried was a retired member of the fire department who was
 8 also entitled to a pension, then upon the death of the member to whom
 9 the spouse had remarried, the spouse is entitled to receive a pension as
 10 the surviving spouse of a deceased member as though the spouse had
 11 not been remarried.

12 (c) If a deceased member of the fire department leaves no surviving
 13 spouse or children but leaves a dependent parent, and upon satisfactory
 14 proof that the parent was wholly dependent upon the deceased member,
 15 the local board shall authorize the monthly payment to the parent from
 16 the 1937 fund that is prescribed by this section.

17 (d) If a member dies while in active service:

18 (1) the surviving spouse is entitled to receive an amount fixed by
 19 ordinance but not less than thirty percent (30%) of the salary of a
 20 fully paid first class firefighter in the unit at the time of the
 21 payment of the pension;

22 (2) the member's children who are:

23 (A) less than eighteen (18) years of age; or

24 (B) less than twenty-three (23) years of age if the children are
 25 enrolled in and regularly attending a secondary school or are
 26 full-time students at an accredited college or university;

27 are each entitled to receive an amount fixed by ordinance but not
 28 less than twenty percent (20%) of the salary of a fully paid first
 29 class firefighter in the unit at the time of the payment of the
 30 pension; and

31 (3) each parent of a deceased member who was eligible for a
 32 pension is entitled to receive jointly an amount equal to thirty
 33 percent (30%) of the salary of a fully paid first class firefighter in
 34 the unit at the time of the payment of the pension.

35 If the local board finds upon the submission of satisfactory proof that
 36 a child eighteen (18) years of age or older is mentally or physically
 37 incapacitated, is not a ward of the state, and is not receiving a benefit
 38 under subdivision (2)(B), the child is entitled to receive the same
 39 amount as is paid to the surviving spouse of a deceased firefighter as
 40 long as the mental or physical incapacity continues. A sum paid for the
 41 benefit of a child or children shall be paid to the remaining parent, if
 42 alive, as long as the child or children reside with and are supported by

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the parent. If the parent dies, the sum shall be paid to the lawful guardian of the child or children.

(e) The monthly pension payable to a survivor may not be reduced below the amount of the first full monthly pension received by that person.

(f) A benefit payable under this section shall be paid in not less than twelve (12) monthly installments.

(g) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members.

SECTION 5. IC 36-8-7-12.4, AS ADDED BY P.L.118-2000, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12.4. (a) This section applies to an active member who dies in the line of duty after August 31, 1982.

(b) If a member dies in the line of duty after August 31, 1982, the surviving spouse is entitled to a monthly benefit, during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than fifty percent (50%) of the monthly wage received by a fully paid first class firefighter. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse. If the pension of the surviving spouse of a deceased member has ceased by virtue of the spouse's remarriage, and if the person to whom the spouse has remarried was a retired member of the fire department who was also entitled to a pension, then upon the death of the member to whom the spouse had remarried, the spouse is entitled to receive a pension as the surviving spouse of a deceased member as though the spouse had not been remarried.

(c) If a member dies while in active service, the member's children



1 who are:

2 (1) less than eighteen (18) years of age; or

3 (2) less than twenty-three (23) years of age if the children are
4 enrolled in and regularly attending a secondary school or are
5 full-time students at an accredited college or university;

6 are each entitled to receive an amount fixed by ordinance but not less
7 than twenty percent (20%) of the salary of a fully paid first class
8 firefighter in the unit at the time of the payment of the pension.

9 (d) The surviving children of the deceased member who are eligible
10 to receive a benefit under subsection (c) may receive an additional
11 benefit in an amount fixed by ordinance, but the total additional benefit
12 under this subsection to all the member's children may not exceed a
13 total of thirty percent (30%) of the monthly wage received by a first
14 class firefighter. However, this limitation does not apply to the children
15 of a member who are physically or mentally disabled.

16 (e) If a deceased member of the fire department leaves no surviving
17 spouse or children but leaves a dependent parent, and upon satisfactory
18 proof that the parent was wholly dependent upon the deceased member,
19 the local board shall authorize the monthly payment to the parent from
20 the 1937 fund. Each parent of a deceased member who was eligible for
21 a pension under this subsection is entitled to receive jointly an amount
22 equal to thirty percent (30%) of the salary of a fully paid first class
23 firefighter in the unit at the time of the payment of the pension.

24 (f) For purposes of this section, "dies in the line of duty" means
25 death that occurs as a direct result of personal injury or illness resulting
26 from any action that the member, in the member's capacity as a
27 firefighter:

28 (1) is obligated or authorized by rule, regulation, condition of
29 employment or service, or law to perform; or

30 (2) performs while on the scene of an emergency run (including
31 false alarms) or on the way to or from the scene.

32 (g) If the local board finds upon the submission of satisfactory proof
33 that a child eighteen (18) years of age or older is mentally or physically
34 incapacitated, is not a ward of the state, and is not receiving a benefit
35 under subsection (c)(2), the child is entitled to receive the same amount
36 as is paid to the surviving spouse of a deceased firefighter, as long as
37 the mental or physical incapacity continues. A sum paid for the benefit
38 of a child or children shall be paid to the remaining parent, if alive, as
39 long as the child or children reside with and are supported by the
40 parent. If the parent dies, the sum shall be paid to the lawful guardian
41 of the child or children.

42 (h) The monthly pension payable to a survivor may not be reduced

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below the amount of the first full monthly pension received by that person.

(i) A benefit payable under this section shall be paid in not less than twelve (12) monthly installments.

(j) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members.

SECTION 6. IC 36-8-7.5-13.7, AS ADDED BY P.L.118-2000, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13.7. (a) This section applies to a member who died in the line of duty (as defined in section 14.1 of this chapter) before September 1, 1982.

(b) The 1953 fund shall be used to pay an annuity, computed under subsection (g) and payable in monthly installments, to the surviving spouse of a member. The annuity continues during the life of the surviving spouse unless the spouse remarried before September 1, 1983. If the spouse remarried before September 1, 1983, benefits ceased on the date of remarriage. If a member of the fund died, but not in the line of duty, and the member's surviving spouse remarried before September 1, 1983, the benefits of the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(c) The 1953 fund shall also be used to pay an annuity equal to twenty percent (20%) of the salary of a first class patrolman on the police department, computed as provided in section 12(b) of this chapter and payable in monthly installments, to each dependent child of a member of the fund who dies from any cause while in the actual discharge of duties as a police officer. The pension to each child continues:

(1) until the child becomes eighteen (18) years of age;



(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longer. However, the pension to the child ceases if the child marries or is legally adopted by any person.

(d) If a deceased member leaves no surviving spouse and no child who qualifies for a benefit under subsection (c) but does leave a dependent parent or parents, the 1953 fund shall be used to pay an annuity not greater than a sum equal to twenty percent (20%) of the salary of a first class patrolman on the police department, computed and payable as provided in section 12(b) of this chapter, payable monthly to the dependent parent or parents of a member of the police department. The annuity continues for the remainder of the life or lives of the parent or parents as long as either or both fail to have sufficient other income for their proper care, maintenance, and support.

(e) In all cases of payment to a dependent relative of a deceased member, the local board is the final judge of the question of necessity and dependency and of the amount within the stated limits to be paid. The local board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the 1953 fund or other circumstances make this action necessary.

(f) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(g) The annuity payable under subsection (b) equals thirty percent (30%) of the salary of a first class patrolman. The amount provided in this subsection is subject to adjustment as provided in subsection (f).

(h) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental

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1 **disability;**
 2 **whichever period is longest. If health insurance coverage is offered**
 3 **by the unit to active members, the health insurance provided to a**
 4 **surviving spouse and child under this subsection must be equal in**
 5 **coverage to that offered to active members.**

6 SECTION 7. IC 36-8-7.5-14.1, AS AMENDED BY P.L.118-2000,
 7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2001]: Sec. 14.1. (a) This section applies to an active member
 9 who dies in the line of duty after August 31, 1982.

10 (b) If a member dies in the line of duty after August 31, 1982, the
 11 surviving spouse is entitled to a monthly benefit, during the spouse's
 12 lifetime, equal to the benefit to which the member would have been
 13 entitled on the date of the member's death, but not less than fifty
 14 percent (50%) of the monthly wage received by a first class patrolman.
 15 If the spouse remarried before September 1, 1983, benefits ceased on
 16 the date of remarriage. However, if a member of the police department
 17 dies in the line of duty after August 31, 1982, and the member's
 18 surviving spouse remarried before September 1, 1983, the benefits for
 19 the surviving spouse shall be reinstated on July 1, 1995, and continue
 20 during the life of the surviving spouse.

21 (c) The 1953 fund shall also be used to pay an annuity equal to
 22 twenty percent (20%) of the salary of a first class patrolman on the
 23 police department, computed as provided in section 12(b) of this
 24 chapter and payable in monthly installments, to each dependent child
 25 of a member of the fund who dies from any cause while in the actual
 26 discharge of duties as a police officer. The pension to each child
 27 continues:

- 28 (1) until the child becomes eighteen (18) years of age;
- 29 (2) until the child becomes twenty-three (23) years of age if the
- 30 child is enrolled in and regularly attending a secondary school or
- 31 is a full-time student at an accredited college or university; or
- 32 (3) during the entire period of the child's physical or mental
- 33 disability;

34 whichever period is longer. However, the pension to the child ceases
 35 if the child marries or is legally adopted by any person.

36 (d) The surviving children of the deceased member who are eligible
 37 to receive a benefit under subsection (c) may receive an additional
 38 benefit in an amount fixed by ordinance, but the total benefit to all the
 39 member's children under this subsection may not exceed a total of
 40 thirty percent (30%) of the monthly wage received by a first class
 41 patrolman. However, this limitation does not apply to the children of
 42 a member who are physically or mentally disabled.



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(e) If a deceased member leaves no surviving spouse and no child who qualifies for a benefit under subsection (c) but does leave a dependent parent or parents, the 1953 fund shall be used to pay an annuity not greater than a sum equal to twenty percent (20%) of the salary of a first class patrolman on the police department, computed and payable as provided in section 12(b) of this chapter, payable monthly to the dependent parent or parents of a member of the police department who dies from any cause while in the actual discharge of duties as a police officer. The annuity continues for the remainder of the life or lives of the parent or parents as long as either or both fail to have sufficient other income for their proper care, maintenance, and support.

(f) In all cases of payment to a dependent relative of a deceased member, the local board is the final judge of the question of necessity and dependency and of the amount within the stated limits to be paid. The local board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the 1953 fund or other circumstances make this action necessary.

(g) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(h) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness resulting from any action that the member, in the member's capacity as a police officer:

- (1) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or
- (2) performs in the course of controlling or reducing crime or enforcing the criminal law.

(i) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;**
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or**
- (3) during the entire period of the child's physical or mental**

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1 **disability;**
 2 **whichever period is longest. If health insurance coverage is offered**
 3 **by the unit to active members, the health insurance provided to a**
 4 **surviving spouse and child under this subsection must be equal in**
 5 **coverage to that offered to active members.**

6 SECTION 8. IC 36-8-8-13.9, AS ADDED BY P.L.118-2000,
 7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2001]: Sec. 13.9. (a) This section applies to an active member
 9 who died in the line of duty (as defined in section 14.1 of this chapter)
 10 before September 1, 1982.

11 (b) Except as otherwise provided in this subsection, if a fund
 12 member dies in the line of duty, the following apply:

13 (1) Each of the member's surviving children is entitled to a
 14 monthly benefit equal to twenty percent (20%) of the fund
 15 member's monthly benefit:

16 (A) until the child becomes eighteen (18) years of age; or

17 (B) until the child becomes twenty-three (23) years of age if
 18 the child is enrolled in and regularly attending a secondary
 19 school or is a full-time student at an accredited college or
 20 university;

21 whichever period is longer. However, if the board finds upon the
 22 submission of satisfactory proof that a child who is at least
 23 eighteen (18) years of age is mentally or physically incapacitated,
 24 is not a ward of the state, and is not receiving a benefit under
 25 clause (B), the child is entitled to receive an amount each month
 26 that is equal to the greater of thirty percent (30%) of the monthly
 27 pay of a first class patrolman or first class firefighter or fifty-five
 28 percent (55%) of the monthly benefit the deceased member was
 29 receiving or was entitled to receive on the date of the member's
 30 death as long as the mental or physical incapacity of the child
 31 continues. Benefits paid for a child shall be paid to the surviving
 32 parent as long as the child resides with and is supported by the
 33 surviving parent. If the surviving parent dies, the benefits shall be
 34 paid to the legal guardian of the child.

35 (2) The member's surviving spouse is entitled to a monthly benefit
 36 equal to sixty percent (60%) of the fund member's monthly
 37 benefit during the spouse's lifetime. If the spouse remarried before
 38 September 1, 1983, and benefits ceased on the date of remarriage,
 39 the benefits for the surviving spouse shall be reinstated on July 1,
 40 1997, and continue during the life of the surviving spouse.

41 If there is no surviving eligible child or spouse, and there is proof
 42 satisfactory to the local board, subject to review in the manner

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specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years of age, the benefit under subsection (b) is computed as if the member:

(1) did have twenty (20) years of service; and

(2) was fifty-two (52) years of age.

(d) The unit of local government that employed the deceased member shall after December 31, 2001, provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members.

SECTION 9. IC 36-8-8-14.1, AS AMENDED BY P.L.118-2000, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.1. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) This section applies to an active member who dies in the line of duty after August 31, 1982.

(c) If a fund member dies in the line of duty after August 31, 1982, the member's surviving spouse is entitled to a monthly benefit during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than the benefit payable to a member with twenty (20) years service at fifty-two (52) years of age. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(d) If a fund member dies in the line of duty, each of the member's surviving children is entitled to a monthly benefit equal to twenty

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percent (20%) of the fund member's monthly benefit:

(1) until the child reaches eighteen (18) years of age; or

(2) until the child reaches twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

whichever period is longer. However, if the board finds upon the submission of satisfactory proof that a child who is at least eighteen (18) years of age is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under subdivision (2), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(e) If there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(f) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years old, the benefit is computed as if the member:

(1) did have twenty (20) years of service; and

(2) was fifty-two (52) years of age.

(g) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness resulting from:

(1) any action that the member, in the member's capacity as a police officer:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or

(B) performs in the course of controlling or reducing crime or enforcing the criminal law; or

(2) any action that the member, in the member's capacity as a firefighter:

(A) is obligated or authorized by rule, regulation, condition of

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1 employment or service, or law to perform; or

2 (B) performs while on the scene of an emergency run
3 (including false alarms) or on the way to or from the scene.

4 **(h) The unit of local government that employed the deceased**
5 **member shall after December 31, 2001, provide and pay for health**
6 **insurance coverage for the member's surviving spouse and for each**
7 **natural child, stepchild, or adopted child of the member:**

8 **(1) until the child becomes eighteen (18) years of age;**

9 **(2) until the child becomes twenty-three (23) years of age if**
10 **the child is enrolled in and regularly attending a secondary**
11 **school or is a full-time student at an accredited college or**
12 **university; or**

13 **(3) during the entire period of the child's physical or mental**
14 **disability;**

15 **whichever period is longest. If health insurance coverage is offered**
16 **by the unit to active members, the health insurance provided to a**
17 **surviving spouse and child under this subsection must be equal in**
18 **coverage to that offered to active members.**

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